

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§  
§  
§  
§

v.

CRIMINAL NO. 4:06CR169.3

CESAR RAMIREZ

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 18, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Randy Blake.

On July 12, 2007, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence of 60 months imprisonment followed by a 5-year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine. Defendant began his term of supervision on October 8, 2010. On January 2, 2013, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On December 18, 2012, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 300). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal,

state, or local crime; (2) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

The Petition alleges that Defendant committed the following violations: (1) On December 4, 2012, Garland, Texas, Police arrested Defendant for committing the offense of Aggravated Sexual Assault of a Child, in violation of Texas Penal Code § 22.021, Dallas County Case No. F12-24816. Defendant is being held in the Dallas County Jail with a \$25,000 bond under case number F-1224816; and (3) On or about November 16, 2012, Defendant moved to the Deluxe Hotel in Garland, Texas, and failed to notify his officer until November 29, 2012.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

#### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the November 18, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seventeen (17) months, with no supervised release to follow, to run consecutively with any other sentence.

**SIGNED this 22nd day of November, 2013.**



DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE